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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Petition of U S WEST Communications,) CC Docket No. 97-172
Inc. for a Declaratory Ruling Regarding)
the Provision of National Directory)
Assistance)

**REPLY COMMENTS OF SWBT, PACIFIC AND NEVADA
ON U S WEST'S PETITION FOR DECLARATORY RULING**

Southwestern Bell Telephone Company (SWBT), Pacific Bell (Pacific) and Nevada Bell (Nevada) (collectively the "SBC Companies") hereby file their Reply Comments on U S WEST's Petition for Declaratory Ruling (Petition).

I. NATIONAL DA DOES NOT VIOLATE SECTION 271

MCI and AT&T incorrectly assert that Bell operating companies (BOCs) are prohibited from offering national directory assistance (DA) services until they are granted relief pursuant to Section 271 of the Act to provide interLATA services. Contrary to MCI and AT&T's claims, national DA is NOT an interLATA service. Thus, Section 271 does not apply.¹

¹Even if Section 271 did apply to the provision of national DA, provision of national DA service is permissible as an "incidental interLATA service" under Section 271(g)(4). Section 271(g)(4) allows a BOC to provide a "service that permits a customer that is located in one LATA to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another LATA." National DA is nothing more than a retrieval of stored information relating to telephone numbers located in another LATA.

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The Act defines the term “interLATA service” in Section 3(21) as “telecommunications between a point located in a local access and transport area and a point located outside such area.”² MCI and AT&T argue that because the information received from National DA may be used to make an interLATA telephone call, the service is prohibited. This argument is contrary to law, and, if accepted, would call into question BOC provision of DA services today.

The SBC Companies currently provide local DA services on a centralized basis. Thus, although the call may originate within the particular LATA where the customer is located and the customer may request a telephone number located in that LATA, the operator handling the call as well as the database containing the requested information may be located outside the LATA. Thus, provision of DA today may require a cross over of LATA boundaries. Nevertheless, it is well accepted that provision of such service is not an interLATA service. U S WEST’s national DA service does nothing more than expand the geographic scope of listings that a customer can receive by dialing the 411 code for directory assistance. The mere expansion of the geographic scope of the available listings does not transform what otherwise is not an interLATA service into an interLATA service subject to Section 271.

Moreover, customers already are able to receive listings for telephone numbers located outside the LATA if such numbers are included within the local white pages directory and database. For example, many businesses and/or residences located outside of a particular LATA choose to maintain a listing within such LATA as a foreign listing. This includes national listings for many businesses or government services which choose to list their numbers in multiple directory areas. Thus, the DA databases today already include a large number of

²47 U.S.C. Section 3(21)

national listings. For example, currently, SWBT's Missouri data base includes over 24,000 foreign listings. Similarly, Pacific's California data base includes over 44,000 accounts for 800/888 service which could potentially provide service outside the originating LATA. For many years these foreign listings and 800/888 listings have been an integral part of these data bases. Foreign listings included in the directories are also available via local DA even though its telephone exchange may have a different area code. Allowing additional foreign listings to be available pursuant to national DA merely expands the number of available listings and does not transform the service into an interLATA service.

A literal interpretation of AT&T's and MCI's contentions would prohibit DA operators from providing foreign listing information to callers dialing 411 for directory assistance. This would significantly erode customer service. The customer subscribing to tariffed foreign listing service would be denied the opportunity to be included in directory assistance, and callers would be denied the opportunity to have access to foreign listings. The SBC Companies' goal is to continue to provide excellent customer service and to comply with its published tariffs.

In addition, as noted by BellSouth, many BOCs have long-standing agreements with independent telephone company subscribers to include those listings in the BOC's DA databases. The Act also now requires the inclusion of listings of competing carriers' subscribers.³ To accept MCI and AT&T's contentions would require a conclusion that all listings outside the local calling scope must be removed as violative of Section 271. Such a conclusion is obviously contrary to law.

³Comments of BellSouth p. 9

II. THE MFJ IS IRRELEVANT TO THE ISSUE OF THE PERMISSIBILITY OF NATIONAL DA

MCI and AT&T's comments include detailed arguments regarding the applicability and prohibitions of the MFJ. MCI and AT&T claim that the MFJ would have prohibited national DA; therefore, the Act also prohibits this service. BellSouth correctly, and succinctly refutes this argument when it points out that "arguments of what 'WOULD HAVE BEEN' under the MFJ are simply irrelevant to consideration of what IS permitted under the Act. The Act, not the MFJ, is the controlling authority."⁴ As stated above, nothing in the Act prohibits the provision of National DA.

III. NATIONAL DA IS ENTIRELY CONSISTENT WITH THE COMMISSION'S N11 ORDERS

MCI and AT&T incorrectly contend that providing National DA over the 411 dialing code violates the Commission's N11 Order. MCI asserts that the 411 code should only be used for "local" directory assistance. The Commission has already noted that the number 555-1212, like 411, is a nationally-recognized number for directory assistance.⁵ US WEST, in its comments in CC Docket No. 92-105, noted:

The 555 central office code, or prefix, is generally used for access to LEC directory assistance services. Typically, an end user dials 1+555-1212 to reach his/her LEC's 'local' directory assistance service. For directory assistance for an area code different than the area code from which the call originates . . . the end user dials 1-[area code]-555-1212.⁶

⁴BellSouth Comments, p. 4, 7

⁵ See, Local Competition Second Report and Order at para. 149.

⁶ U S WEST Comments at 13 in CC Docket 92-105.

MCI's assumption that the 411 code is exclusively used for local directory assistance and that NPA+555-1212 should continue to be restricted to "long distance" directory assistance is simply incorrect. This approach to strictly limit these dialing codes will simply exacerbate end user customer confusion resulting from new and constantly changing NPA boundaries.

The Commission, in the Local Competition Second Report and Order, concluded that no Commission action was necessary "with respect to the ability of customers to reach directory assistance services through 411 or 555-1212 arrangements"⁷ and decided not to require any alternatives to these two codes for access to directory assistance. It is important to remember that customers will continue to have a choice in dialing plans for directory assistance and that simply expanding the geographic scope of listings available over the 411 codes does not preclude customers from continuing to use the 555-1212 dialing plan.

There are already a significant number of foreign listings in the database which are available to callers dialing 411. Simply expanding the number of these listings does not transform DA into an enhanced service subject to the Commission's CI III rules. National DA is an adjunct to basic service and, therefore, is not an enhanced service. The introduction of these services is entirely consistent with the Commission's N11 Order.

IV. IF PERMITTED TO OFFER NATIONAL DA, THE SBC COMPANIES WILL FULLY COMPLY WITH THE DIALING PARITY AND INTERCONNECTION OBLIGATIONS UNDER THE ACT

AT&T expresses a misplaced concern that if the BOCs are permitted to offer National DA, they must comply with the Act's unbundling and nondiscrimination requirements by

⁷ Local Competition Second Report and Order at 151.

offering dialing parity to other carriers and by making the service and the underlying information available to other carriers as unbundled network elements.⁸

The SBC Companies agree that if a LEC provides DA, that LEC must permit competing providers to have access to its DA, so that any customer of a competing provider can access any listed number on a nondiscriminatory basis, notwithstanding the identify of the customer's local service provider. Thus, end-users of competing providers will have the same access to National DA listings as the SBC Companies' own customers when the SBC Companies are providing DA services to that competing provider.

The SBC Companies will also offer access to listing information, direct access to the database and the ability to read such a database, to enable requesting carriers to provide DA concerning incumbent LEC customer information. The SBC Companies agree that LECs must provide competing providers access to National DA listing information to the extent it is included in the LEC's DA databases. If however, the LEC has business arrangements with a third-party provider that provides access to a national listings database, the LEC should have no obligation to provide access to information or a database it does not own or possess. In these circumstances, competing providers may choose to make their own business arrangements with a third-party provider of national listings and database services.

In short, National DA is entirely consistent with the Commission's goal of enabling competing providers to self-provide, or select among other providers of, operator services and DA.

⁸ AT&T Comments, p. 2.

V. **PROVISION OF NATIONAL DA PROMOTES COMPETITION AND BENEFITS CONSUMERS**

The underlying purpose of the Act is to deregulate the telecommunications industry and promote and foster competition. LEC provision of National DA supports this purpose and the underlying spirit and intention of the Act. As emphasized by Roseville Telephone Company, “LEC provision of national DA will increase competition in this market by providing another option to callers to get a distant number. Such competition is consistent with the intent of the Act and should result in lower prices for consumers.”⁹

By opposing U S WEST’s Petition, MCI and AT&T are attempting to hinder competition and retain this business for themselves. Indeed, in its comments, MCI complains that if National DA is permissible “BOCs would be competing with IXC’s for the provision of long distance directory assistance.”¹⁰ AT&T states the BOC/LEC national service displaces DA calls that were before handled by IXC’s, and put BOCs and LECs in direct competition with the IXC for DA business.¹¹ If this argument is accepted, the IXC’s will be in position to significantly hinder competition and keep this DA business for themselves. Each NPA split that results in local DA calls having to cross over both LATA and NPA boundaries would be essentially forfeited by the BOC or LEC provider to the IXC. Clearly, the Act, which intended to foster and expand competition, did not contemplate this result.

Finally, it is clear that end user customers will be the real winners from provision of National DA. National DA provides a simple, efficient method to obtain directory information.

⁹Roseville Telephone Company Comments, p. 8

¹⁰MCI Comments, p. 13

¹¹AT&T Comments, p. 6; MCI Comments, p. 13-14.

In today's environment with constantly changing NPAs and an increasing number of NPA splits, it is difficult to keep track of information. Thus, the option to use a simple, quick method to obtain information is more important than ever before. In sum, National DA is entirely consistent with the Act and is in the public interest.

For all the foregoing reasons, the SBC Companies request that the Commission adopt the Reply Comments set forth herein and enter an Order granting the Petition and ruling that BOCs are authorized to offer national DA by means of interLATA official services circuits and over the 411 code.

Respectfully submitted,

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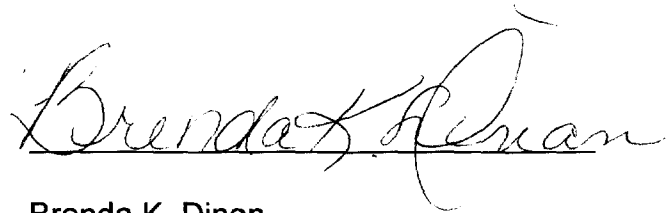
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September 17, 1997

CERTIFICATE OF SERVICE

I, Brenda K. Dinan, hereby certify that the Reply Comments of Southwestern Bell Telephone, Pacific Bell and Nevada Bell on U S West's Petition for Declaratory Ruling, CC Docket 97-172, has been served September 17, 1997, to the Parties of Record.

A handwritten signature in cursive script, reading "Brenda K. Dinan", written over a horizontal line.

Brenda K. Dinan

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